THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2131 OF 2006

DATED: 23-01-2007

BETWEEN

Smt. Rabia Begum, W/o. Late Ahmad
Mohiuddin Khan, Occ: Household,
R/o.19-3-1089/A/90, Madina Colony,
Jahanuma, Hyderabad and others.

...PETITIONERS

AND

The Station House Officer,
Pahadi Sharief Police Station,
Ranga Reddy District and others.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the respondents in interfering with the civil rights and matter in respect of the land bearing S.Nos.122, 124, 126 and 127 to 129 totally admeasuring Ac.115-00 guntas situated at Mankhal village, Maheshwaram Mandal, Ranga Reddy District belonging to the petitioners as illegal and arbitrary.

2. It is the case of the petitioners that they are the owners and possessors of the aforesaid land, which was inherited from their ancestors and they are in the possession of the same. It is stated that some third parties with an evil intention have been making an attempt to interfere with their ownership and possession. The third parties filed a suit in O.S.No.23 of 2006 on the file of the Junior Civil Judge, Ranga Reddy District at

Ibrahimpatnam against the petitioners, in which initially status quo was granted. It is stated that, no doubt, there are certain civil disputes pending between them and third parties, but the police has nothing to do with the said disputes and without any justification the police is interfering with their civil disputes.

3. Counter has been filed stating that the police never interfered with the civil disputes of the petitioners, they were never threatened to be implicated in criminal cases and no criminal cases have been registered and pending against the petitioners. It is stated that nobody lodged any complaint against the petitioners. Therefore, it is stated that there is no truth in any of the allegations made by the petitioners.

4. In view of the aforesaid counter filed by the first respondent,

I am of the opinion that no cause of action arose for the petitioners to file the present writ petition seeking a writ of mandamus.

The writ petition is accordingly dismissed with a liberty to the petitioners to take appropriate steps as and when fresh cause of action arises and as and when there is interference by the police with regard to their civil disputes. There shall be no order as to costs.

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V. ESWARAIAH, J

January 23, 2007
DSK